

Remarks

General

Claims 1-27 are pending in the application. The issues in the application are as follows:

- Claims 1-2, 8 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dinkin U.S. Patent 6,603,965 to Dinkin (hereafter, "Dinkin").
 - Claims 3-4, 9-13 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinkin in view of U.S. Patent 6,021,310 to Thorn (hereafter, "Thorn").
 - Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinkin (U.S. 6,603,965) in view of U.S. Patent 6,459,778 to Shirai (hereafter, "Shirai").
 - Claims 6-7, 14 and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinkin in view of Shirai, and further in view of Thorn.
 - New claims 21-27 are added.

In response, Applicants hereby traverse the outstanding rejections and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Applicants also present new claims 21-27 for consideration.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-2, 8 and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Dinkin.

As a starting point, the PTO and the Federal Circuit provide that §102 anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.

*S/N: 09/776,054
Case 10002870-1
Amendment "A"*

1 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations
2 of the claims are found within a single prior art reference.” (*Scripps Clinic and*
3 *Research Found. v Genetech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
4 (Fed. Cir. 1991) (Emphasis added)). Moreover, the PTO and the Federal Circuit
5 provide that §102 anticipation requires that there must be no difference between the
6 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*
7 *v. Genetech, Inc.*, id. (Emphasis added)).

8 Accordingly, if the Applicants can demonstrate that any one element or
9 limitation in claims 1-2, 8 and 15 is not disclosed by Dinkin, then the respective
10 claim(s) are not anticipated.

12 Claims 1 stands rejected under 35 U.S.C. § 102 as being anticipated by
13 Dinkin. Claim 1 has been amended, and now recites in part: “...a multi-purpose
14 connection adaptor configured to connect said mobile phone handset to at least one
15 of a plain ordinary telephone line, a local area network and one or more computing
16 devices.” (Emphasis added). No new matter has been added by the amendment of
17 claim 1. Support for the amendment can be found at least at page 7 line 24 - page 9
18 line 3, and at Figs. 1C and 2.

19 As amended, claim 1 clearly recites at least one element not disclosed in
20 Dinkin, as Dinkin does not disclose or suggest a multi-purpose connection adaptor
21 configured to connect a mobile phone handset to a plain ordinary telephone line, or
22 to a local area network, or to one or more computing devices. Instead, Dinkin
23 discloses a mobile phone handset having one telephone port for connection to a
24 standard land line, and a separate Ethernet port (See Dinkin column 4 lines 5-13 and
25 Fig. 2). The mobile phone described in Dinkin does not have a multi-purpose
connection adaptor to which various telephone lines, networks, and/or computing

1 devices can be connected as described in the Application as filed (see page 7 line
2 24 – page 8 line 15 of the Application).

3 Accordingly, because Dinkin does not disclose each and every element of
4 amended claim 1, claim 1 cannot be anticipated by Dinkin. Therefore, Applicants
5 respectfully request that the rejection be withdrawn, and that claim 1 be allowed in
6 the Examiner's next action.

7 It is axiomatic that any dependent claim which depends from an allowable
8 base claim is also allowable, and therefore the Applicants do not believe it is
9 necessary to present arguments in favor of each and every claim depending from
10 claim 1. Here claims 2-14 depend from claim 1, and are therefore allowable for at
11 least the reasons discussed above regarding claim 1, as well as for their own recited
12 features which are neither shown nor supported by the cited art.

14 Claim 15 stands rejected under 35 U.S.C. § 102 as being anticipated by
15 Dinkin. Claim 15 has been amended, and now recites in part: "...providing a mobile
16 phone handset having a multi-purpose connection adaptor configured to connect
17 said mobile phone handset to at least one of a plain ordinary telephone line, a local
18 area network and one or more computing devices..." (Emphasis added). No new
19 matter has been added by the amendment of claim 15. Support for the amendment
20 can be found at least at page 7 line 24 - page 9 line 3, and at Figs. 1C and 2.

21 As amended, claim 15 clearly recites at least one element not disclosed in
22 Dinkin, as Dinkin does not disclose or suggest providing a mobile phone handset
23 having a multi-purpose connection adaptor configured to connect a mobile phone
24 handset to a plain ordinary telephone line, or to a local area network, or to one or
25 more computing devices. Instead, Dinkin discloses a mobile phone handset having

1 a telephone port for a standard land line, and a separate Ethernet port (See Dinkin
2 column 4 lines 5-13, and Fig. 2).

3 Accordingly, because Dinkin does not disclose each and every element of
4 amended claim 15, claim 15 cannot be anticipated by Dinkin. Therefore, Applicants
5 respectfully request that the rejection be withdrawn, and that claim 15 be allowed in
6 the Examiner's next action.

7 It is axiomatic that any dependent claim which depends from an allowable
8 base claim is also allowable, and therefore the Applicants do not believe it is
9 necessary to present arguments in favor of each and every claim depending from
10 claim 15. Here claims 16-20 depend from claim 15, and are therefore allowable for
11 at least the reasons discussed above regarding claim 15, as well as for their own
12 recited features which are neither shown nor supported by the cited art.

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15 Rejection of Claims under 35 U.S.C. § 103(a)

16 Claims 3-4, 9-13 and 16 were rejected under 35 U.S.C. § 103(a) as being
17 unpatentable over Dinkin in view of Thorn.

18 Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over
19 Dinkin in view of Shirai.

20 In addition, claims 6-7, 14 and 17-20 were rejected under 35 U.S.C. § 103(a)
21 as being unpatentable over Dinkin in view of Shirai, and further in view of Thorn.

22 The Applicants note that none of the above rejected claims are independent
23 claims, and that each of these claims ultimately depend from either independent
24 claim 1 or independent claim 15.

25 As described above, it is axiomatic that any dependent claim which depends
from an allowable base claim is also allowable, and therefore the Applicants do not

S/N: 09/776,054
Case 10002870-1
Amendment "A"

1 believe it is necessary to present arguments in favor of each and every claim
2 depending from claims 1 and 15, as such claims should be allowable for at least the
3 reasons discussed above, as well as for their own recited features which are neither
4 shown nor supported by the cited art.

5 Regardless, the Applicants also note that neither claim 1 nor claim 15 have
6 been rejected under 35 U.S.C. § 103 for obviousness, and are therefore nonobvious
7 under 35 U.S.C. 103. As stated in section 2143.03 of the MPEP, “[i]f an independent
8 claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is
9 nonobvious.”

10 In accordance with the above referenced tenet, all of the claims that depend
11 ultimately from either claim 1 or claim 15 are also nonobvious. Specifically, in the
12 present application, since independent claims 1 and 15 are nonobvious, then claims
13 2-14 which depend ultimately from claim 1, and claims 16-20 which depend
14 ultimately from claim 15 are also nonobvious for the reasons stated above.

15 Because each of these dependent claims (claims 2-14 and 16-20) should be
16 allowable as described above, the Applicants do not believe that it is necessary to
17 present arguments in favor of each and every dependent claim. Nevertheless, some
18 features of these dependent claims are discussed in further detail below.

19 For example with respect to claim 3, the Examiner acknowledges that Dinkin
20 fails to teach a line detector configured to send said processor control subsection a
21 local area network present signal if said connector is connected to said local area
22 network (see Office action p. 4). The Examiner then cites Thorne (column 6, lines 3-
23 12) to support an assertion of obviousness.

24 However, Thorne fails to cure the deficiencies of Dinkin. In particular, the line
25 detector described in Thorne is not configured to send a processor control

1 subsection a local area network present signal if the connector is connected to the
2 local area network as provided in Applicants' claim 3. Instead, the line detector of
3 Thorne is configured to determine if a telephone line is connected to a telephone line
4 connection jack.

5 With respect to claim 5, the Examiner acknowledged that Dinkin fails to
6 explicitly teach allowing a mobile phone handset to communicate with said one or
7 more computing devices, and then relies on Shirai (column 11, lines 14-25) to
8 support an assertion of obviousness.

9 However, Shirai fails to cure the deficiencies of Dinkin. Shirai teaches a
10 connection control unit for detecting and identifying external apparatus. Shirai does
11 not teach or suggest "...a network controller configured to allow said mobile phone
12 handset to communicate with said one or more computing devices, each of said one
13 or more computing devices having a device network controller configured to
14 communicate with said network controller using a network communication
15 protocol...", as provided by Applicants' claim 5 (Emphasis added).

16 With respect to claim 6, 9 and 13, such claims are not obvious for the reasons
17 set forth above in the discussion with respect to claim 3. Specifically, the cited art
18 fails to teach or suggest the line detector as described in the respective claims.
19

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21 New Claims Added

22 As described above, claims 21-27 have been added. No new matter has
23 been added. Support for claims 21-27 can be found at least at page 7 line 24 – page
24 8 line 20, and in Figs. 1C, 2 and 3 of the Application as filed. Claims 21-27 are seen
25 to be allowable as presented, and formal allowance is requested.

1 Fees for Additional Claims

2 The fee for three (3) additional independent claims, and seven (7) additional
3 total claims, is to be charged to Applicant's deposit account, as indicated on the
4 attached Transmittal letter.

5 Summary

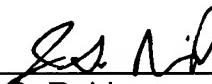
6 The Applicants believe that this response constitutes a full and complete
7 response to the Office action, and therefore request timely allowance of claims 1-27.

8 The Examiner is respectfully requested to contact the below-signed
9 representative if the Examiner believes this will facilitate prosecution toward
10 allowance of the claims.

11 Respectfully submitted,

12 David M. Payne & Thomas A. Killingsworth

13 Date: January 7, 2004

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19 S/N: 09/776,054
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Case 10002870-1
Amendment "A"